

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff/Garnishor,)	
)	
vs.)	Case No. CR-05-78-HE
)	
MARSHA KAY SCHUBERT,)	
)	
Defendant,)	
)	
and)	
)	
AXA EQUITABLE LAW DEPARTMENT,)	
and its successors or assigns,)	
)	
Garnishee.)	

ORDER FOR DISPOSITION OF GARNISHED FUNDS


The United States of America caused a Writ of Garnishment to be issued to AXA Equitable on December 8, 2005 (Doc. 22). On January 23, 2006, the garnishee filed an Answer (Doc. 25). Defendant filed a Claim of Exemption and Request for Hearing on January 30, 2006 (Doc. 26). A Claim of Exemption Hearing was held on June 6, 2006.

On June 7, 2006, United States Magistrate Judge Doyle Argo entered a Report and Recommendation in this case recommending that defendant Schubert's claim for exemption be denied and that the garnishee be ordered to remit to the U.S. Court Clerk defendant Schubert's interest in the monies and properties it holds for her. No party has filed an objection to the Magistrate Judge's Report and Recommendation and thus the right to appellate review of the factual and legal issues it addressed has been waived. United States

v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996), *cert. denied*, 519 U.S. 909 (1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a).

Accordingly, the Court adopts Magistrate Judge Argo's Report and Recommendation. The garnishee is ordered to remit all monies and property of defendant Schubert that it has held for the defendant's benefit since the service of the writ of garnishment, to the U.S. District Court Clerk, 200 NW 4th Street, Suite 1210, Oklahoma City, OK 73102.

IT IS SO ORDERED this 28th day of June, 2006.



JOE HEATON
UNITED STATES DISTRICT JUDGE